

REMARKS

Claims 1-8 and 14-20 are pending in this application. By this Amendment, 1, 2, 4-7 and 18-20 are amended to overcome the rejections under 35 U.S.C. §§101 and 112, and claims 9-14 and 21-36 are canceled. No new matter is added by this Amendment.

I. Rejoinder

Applicants note with appreciation that former withdrawn claims 4-8 and 18-38 were rejoined with elected claims 1-3 and 14-17. However, withdrawn claims 9-13 were not rejoined. To expedite prosecution of this application, claims 9-13 have been canceled.

II. Rejection Under 35 U.S.C. §112, second paragraph

Claims 1, 2, 4-8 and 14-36 were rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite. This rejection is respectfully traversed.

Claims 1, 4 and 5 are amended to recite "A pyrimidone of the formula (I) ~~and their or~~ its pharmaceutically acceptable ~~salts~~ salt...", as suggested by the Patent Office. Claims 6 and 7 are amended to delete the term "novel," as suggested by the patent Office. And, claims 18-20 are amended to more positively recite the method steps of using the compositions recited in claims 1, 3 and 14.

For the foregoing reasons, claims 1, 2, 4-8 and 14-20 are definite and comply with the requirements of 35 U.S.C. §112, second paragraph. Reconsideration and withdrawal of the rejection are thus respectfully requested.

III. Rejection Under 35 U.S.C. §101

Claims 18-36 were rejected under 35 U.S.C. §101 because the claimed recitation of a use allegedly results in a claim which is not a proper process claim under 35 U.S.C. §101. This rejection is respectfully traversed.

Applicants initially point out that claims 21-36 are canceled.

Claims 18-20 are amended to more positively recite the method steps of treating a condition comprising administering the compound of claims 1, 3 or 14, respectively, in a pharmaceutically effective amount to a subject afflicted with one or more of the conditions and in need of treatment.

For the foregoing reasons, claims 18-20 comply with the requirements of 35 U.S.C. §101. Reconsideration and withdrawal of the rejection are thus respectfully requested.

IV. Allowable Subject Matter

Applicants thank the Patent Office for the indication that claims 1-8 and 14-17 would be allowable if the rejection under 35 U.S.C. §112, second paragraph, is overcome. Because the rejection is overcome for the reasons described below, claims 1-8 and 14-17 are in condition for allowance.

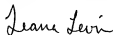
Applicants further thank the Patent Office for the indication that claim 3 is allowed.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-8 and 14-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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